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# Friendly Words to the Foreign Born



By

Hon. JOSEPH BUFFINGTON

Senior United States Circuit Judge of the  
Third Circuit

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COMMITTEE ON PUBLIC INFORMATION

The Secretary of State

The Secretary of War

The Secretary of the Navy

George Creel

# FRIENDLY WORDS TO THE FOREIGN BORN\*

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INSTRUCTIONS GIVEN TO APPLICANTS FOR NATURALIZATION, IN COURT AT PHILADELPHIA, ON APRIL 6, 1917, BY HON. JOSEPH BUFFINGTON SENIOR UNITED STATES CIRCUIT JUDGE OF THE THIRD CIRCUIT.

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**T**O-DAY there are 14,500,000 of men in America of foreign birth; there are 14,000,000 who are the children of those of foreign birth. A census recently taken of a plant in this State shows 25,000 workmen of foreign birth. Of these 10,000 came from the Central Powers. Of that 10,000, 1,400 are naturalized citizens. These facts and figures may startle those who do not know the foreign-born, but to those of us who know them they cause no alarm. Almost a quarter of the foreign-born who come to the United States have latterly made Pennsylvania their home. William Penn was the first founder who brought to his colony men of different races. These different races have helped build up this State, they have bought homes in it, have their children in our schools; and Pennsylvania knows the foreign-born, believes in the foreign-born, and to-day we have 1,500,000 of them among us.

In the twenty-five years I have been a United States judge I have been brought,

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through these naturalization courts, into close touch with the foreign-born, have learned to understand them, have believed in them, and have always said that when war faced us that these foreign-born men would prove themselves Americans. **The crux is not the fact of the hyphen, but whether the man's heart is at the American end of the hyphen.** I have signed the decrees making thousands and thousands of them citizens, and I am always glad when one of them comes to me and tells me I made him a citizen. In these anxious times, when there are fears among our foreign-born citizens of internment, or imprisonment, or some hardship, these men have been coming to me for advice, and I have been able to help them; and, because I found it did help them, I thought it right that I should just now give a general message of cheer and counsel, of warning and advice, to our foreign-born people. And so I have asked the District Judge to let me come into his court to-day and admit you to citizenship, and I am going, through you, to give a message to the thousands and thousands of the foreign-born of the nation.

In the first place, I want to say that I have made it my duty to find out what our Government would do in case of war, and whether it would follow the example of the nations abroad and would intern men who had at one time been citizens of countries at war with us. I am glad to say to you that the Government has no purpose to intern any men, and that any man who is interned will intern himself by proving that the Government ought to intern him. The Government is going to start out with trusting and believing in all who are

living here, and there will be no interning or depriving any foreign-born man of any country of his liberty so long as that man is truly loyal to America.

And I want to tell you, further, that our Government feels very strongly that any ill will or bad treatment by any American citizen toward any foreign-born man, simply because he was born in a country with which America is at war, would be a serious blot upon the good name of America. I am glad to give this assurance to our foreign-born people, and to let every man who does no wrong to the Government know that the Government will not imprison or disturb him. So much for the good will of the Government toward them.

And how about their good will toward the Government? This leads me to give a further message of caution and friendly advice to those who may have a bad will toward our Government, or who are listening to bad advice, or who for any reason are becoming disloyal to America, or turning their faces away from her. My advice to such men and women is to "stop, look, and listen" before they go further, for in times like these such a course cannot but lead to a sorry end. War is the dividing line. Remember what was only foolish and unwise in word and deed last week, in peace, may be treason when war comes. Remember, when war comes, no man can serve two masters. As of old the message comes, "Choose ye this day whom ye will serve."

There is no such thing as half treason. Any treason is all treason. And let no foreign-born man, who is to-day in the United States,

comfort himself that, because he has not become a naturalized citizen, he owes no allegiance to the United States, and that he cannot be punished for treason to the United States. That is not the case, and it is well for us all—whether native-born, naturalized or unnaturalized—to understand just where we each stand with relation to the Government in the crime of treason. The highest duty of any government is self-protection. Therefore treason against a government, because it strikes at the life of the government, is the highest form of crime. Let me read you the law:

“1. Whoever, owning allegiance to the United States, levies war against them or *adheres to their enemies, giving them aid and comfort within the United States or elsewhere,* is guilty of treason.

“2. Whoever is convicted of treason shall suffer death, or at the discretion of the court shall be imprisoned not less than five years and fined not less than \$10,000, to be levied on and collected out of any or all his property, real and personal, of which he was the owner at the time of committing such treason, no sale or conveyance to the contrary notwithstanding, and every person so convicted of treason shall moreover be incapable of holding any office under the United States.”

And every one who owes allegiance to the Government can be guilty of treason; the native-born man, because he was born here; the naturalized man, because he took an oath of allegiance; the unnaturalized or alien man,

because he lives here for the time being. Every one knows the native-born and the naturalized man can be guilty of treason, but let me read you from the book itself what the Supreme Court at Washington says about the alien who stays in the country in time of war: "The alien, whilst domiciled in the country, owes a local and temporary allegiance, which continues during the period of his residence," says that Court; and it follows this by quoting and adopting the broad principle stated by Daniel Webster when Secretary of State:

"Independently of a residence with intention to continue such residence, independently of any domiciliation, *independently of the taking of any oath of allegiance or of renouncing any former allegiance*, it is well known that, by the public law, an alien or a stranger born, for so long a time as he continues within the dominions of a foreign Government, owes obedience to the laws of that Government, and may be *punished* for treason or other crimes as a native-born subject might be, unless his case is varied by some treaty stipulation."

My advice, therefore, to every foreign-born man and woman who is staying in the United States to-day is to keep clear of any disloyalty; keep clear of any one who counsels or advises it. Indeed, any one, native, naturalized, or alien, who knows of such disloyal plans, purposes, or schemes is already on dangerous ground, although he may not himself have done a thing; for as your friend I should tell you that **there is not only treason which consists of overt acts, but there is a**

lesser treason which consists in knowing of treason by others against the United States and not making it known.

Let me make that very plain, for it may save some people trouble. If a man or woman knows of treason against the United States, and keeps it to himself, it is like receiving stolen goods. So it is with treason, for to conceal treason is to commit treason. Now here is what the law provides about this lesser treason, or "misprison of treason," as it is called, and *it applies to all persons living in the United States, whether native-born, naturalized, or not naturalized, for they all owe allegiance:*

"3. Whoever, owing allegiance to the United States, and having knowledge of the commission of any treason against them, conceals, and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the Governor or to some judge or justice of a particular State, is guilty of misprison of treason and shall be imprisoned not more than seven years and fined not more than one thousand dollars."

So in these times the safe path for native-born, naturalized, and the alien is not only to avoid treason one's self, but, if one learns of it, to either go in person or write some of the officers named in this statute and tell him what one knows.

It is not necessary for me to tell you the many forms treason may take, for treason will always find a hundred different secret ways

in which it can give aid and sympathy to the enemy. But right can take but one plain course. **Be loyal, true, straight, and square to the Government, and you will be sure you are not committing treason.** I am not trying to tell people how near they can approach the line of treason without crossing it. I am telling them how far they can keep from the line by simply being loyal to the flag and to America.

When a man is driving along a precipice, he tries to drive as far away from the edge as he can. My advice to every foreign-born man who comes to me will be: **Put a flag at your door, another on your coat, and above all keep one in your heart.** If you do, you will stand four-square as countrymen of Washington and Lincoln, and no nation has ever loved any leader, be he King or Kaiser, Sultan or Czar, as all nations to-day love George Washington and Abraham Lincoln. In following their loyal footsteps no man of any race can go astray.

THIS PAMPHLET IS AVAILABLE IN BOHEMIAN, POLISH, GERMAN, ITALIAN, HUNGARIAN AND RUSSIAN